

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY D. ALEXANDER,

Plaintiff,

No. CIV S-03-1014 LKK KJM P

vs.

LIEUTENANT PLAINER, et al.,

Defendants.

ORDER

On January 14, 2008, the court permitted plaintiff to file renewed objections to the order filed on January 24, 2007, denying plaintiff's "Pitchess" motion for a review of correctional officers' files. The Magistrate Judge had denied plaintiff's motion because it was filed beyond the cut-off date for discovery motions.

In his objections to the Magistrate Judge's original order, plaintiff explained that he needed access to the law library to prepare the motion, but was not scheduled to go to the library until January 21, 2006, the day after any discovery-related motions were due. He also asserted that this ducat and the subsequent ducat for law library attendance were canceled. See Docket No. 114.


In the objections filed January 18 and January 22, 2008, plaintiff again alleges that he did not secure a law library ducat until January 20, 2006. He says, however, that he was given

1 access to the law library on January 21, 2006. He also alleges that he did not have any writing  
2 materials on January 20, 2006 and suggests that he could obtain them only through his law  
3 library visit.

4 Plaintiff has never explained why he failed to seek an extension of time in which  
5 to file his discovery-related motion once he was given access to the law library and to writing  
6 materials on January 21, 2006. Moreover, plaintiff's motion for reconsideration does not explain  
7 why he failed to include the information about his lack of writing materials in his original  
8 objections to the January 24, 2007 order. L. R. 78-230(k)(3).

9 IT IS HEREBY ORDERED that plaintiff's January 18 and 22, 2008 motions for  
10 reconsideration are denied.

11 DATED: April 22, 2008.

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14 LAWRENCE K. KARLTON  
15 SENIOR JUDGE  
16 UNITED STATES DISTRICT COURT  
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